

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 19, 1999**

## DIVISION TWO

B126346 People (Not for Publication)  
v.  
Murrell

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

## DIVISION FOUR

B122564      Bookatz      (Not for Publication)  
v.  
Yashar

The judgment is reversed. The trial court is directed to overrule the demurrer to the first and second causes of action (breach of contract and fraud) of the first amended complaint and to sustain the demurrer to the third cause of action (negligence) of the first amended complaint, and to conduct such further proceedings as necessary. Costs on appeal are awarded to appellants.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FOUR (Continued)

B119817      O'Connor                      (Not for Publication)  
                 v.  
                 Adler

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                 Curry, J.

B121029      Weston                              (Not for Publication)  
                 v.  
                 City of Pasadena

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                 Hastings, J.

B131461      Los Angeles County, D.C.F.S.              (Not for Publication)  
                 v.  
                 Sara R.

Let a peremptory writ of mandate issue directing the trial court to set aside its order of April 29, 1999, and conduct a contested permanency planning hearing.

Vogel (C.S.), P.J.

We concur:   Hastings, J.  
                 Curry, J.

## DIVISION FOUR (Continued)

B131149      Annette C.      (Not for Publication)

V.

Superior Court, Los Angeles County  
(D.C.F.S.)

The petition for writ of mandate is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

B121884      Los Angeles County, D.C.F.S.      (Not for Publication)

V.

Annemarie L.

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry J.

B126297      Los Angeles County, D.C.F.S.      (Not for Publication)

V.

Tony S.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

July 19, 1999-Continued

## DIVISION FOUR (Continued)

B125943 People v. Elias (Not for Publication)

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Curry, J.  
Kuhl, J. (Assigned)

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

## DIVISION FOUR (Continued)

B101962 People (Not for Publication)  
v.  
Larios & Smith

The judgment entered against Joaquin A. Larios is affirmed. Pursuant to Penal Code section 654, the judgment entered against Reynaldo Smith is modified to reflect that imposition of sentence on count 8 (attempted robbery of Joel Perez) is stayed, the stay to remain in effect for so long as he serves his sentence on count 7 (first degree murder of Joel Perez). The clerk of the superior court is directed to prepare and forward to the Department of Corrections a modified abstract of judgment. In all other respects, the judgment against Reynaldo Smith is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Kuhl, J. (Assigned)

B117281 People (Not for Publication)  
v.  
Valdez & Vizcarra

The judgment is modified to reflect an award of 432 days of presentence credit for both appellants; a suspended \$5,000 parole revocation fine for Valdez; a suspended \$1,000 parole revocation fine for Vizcarra; a \$300 fine for each appellant pursuant to section 290.3; a \$300 state penalty assessment for each appellant; and a \$210 county penalty assessment for each appellant. The superior court is directed to prepare an amended abstract of judgment. The abstract of judgment should also reflect the proper date of sentencing for Vizcarra. In all other respects, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

## DIVISION FOUR (Continued)

B120206 People (Not for Publication)  
v.  
Teh

The judgment is affirmed. The superior court is directed to prepare an amended minute order in accordance with the views expressed in this opinion and to prepare an abstract of judgment.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

B121985 People (Not for Publication)  
v.  
Harris

For the foregoing reasons, we modify the judgment to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45 and, as modified, affirm. The Superior Court is directed to prepare an amended abstract of judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

B120806      Far East national Bank      (Not for Publication)  
v.  
Glenn Yee et al.

The judgment is modified to reflect prejudgment interest of \$612,832.83 and a \$2000 reduction for the inappropriate sanction. In all other respects, the judgment is affirmed. The order awarding attorney fees is affirmed. Plaintiff, Far East National Bank, is to recover its costs on appeal including attorney fees from defendants, Sailor J. and Bonnie Kennedy. Cross-defendants, Glenn Yee and Edward Kuo, are to recover their costs jointly and severally from the Kennedys. Also, plaintiff is to recover its costs on appeal from defendant, Timothy P. O'Brien.

Turner, P.J.

We concur:    Grignon, J.  
                  Armstrong, J.

DIVISION SIX

B128431      People      (Not for Publication)  
v.  
Aguilar

The judgment is affirmed.

Gilbert, Acting P.J.

We concur:    Yegan, J.  
                  Coffee, J.

July 19, 1999-Continued

## DIVISION SIX (Continued)

[illegible]

The sentences on counts 1, 2, 4 and 14 are stayed. In all other respects the judgment is affirmed.

Gilbert, Acting P.J.

We concur: Coffee, J.  
Matz, J. (Assigned)

[illegible]

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Coffee, J.  
Matz, J. (Assigned)

B124279 People (Not for Publication)  
v.  
Shanley

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                     Matz, J. (Assigned)



## DIVISION SEVEN

B119880      People                                  (Not for Publication)  
v.  
Knutte et al.

The judgment as to Knutte is modified to impose a parole revocation fine of \$400, to remain suspended unless and until Knutte violates parole. The judgments as to Dukett and Roberts are modified to impose parole revocation fines of \$200 each, each fine to remain suspended unless and until Dukett or Roberts violates his parole. The judgments are further modified to impose state penalty assessments of \$50 on each appellant and county penalty assessments of \$35 on each appellant. The superior court is directed to correct the abstracts of judgment to reflect the restitution and parole revocation fines, the laboratory fees and the penalty assessments and deliver the amended abstracts of judgment to the Department of Corrections. The judgments are affirmed as modified.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

B119556 People v. Honore

(Not for Publication)

The judgment is modified to impose a parole revocation fine of \$2,500, to remain suspended unless and until appellant violates parole. The judgment is further modified to impose a state penalty assessment of \$50 and a county penalty assessment of \$35. The superior court is directed to correct the abstract of judgment to reflect the restitution and parole revocation fines, the laboratory fee and the penalty assessments and deliver the amended abstract of judgment to the Department of Corrections. The judgment is affirmed as modified.

Woods, J.

We concur:   Lillie, P.J.  
                      Neal, J.

July 19, 1999-Continued

## DIVISION SEVEN (Continued)

[illegible]

The judgments are affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

B126747 People (Not for Publication)  
v.  
Wilson

The order of July 21, 1998, resentencing appellant is vacated and the cause is remanded for a new sentencing hearing with appellant and his counsel present. In all other respects, the judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

B120738      Aysr      (Not for Publication)  
v.  
Toyota of North Hollywood

The judgment of dismissal for failure to post a bond under Civil Code of Procedure section 391.1 is reversed. The order granting respondent's remaining motions are affirmed. The matter is remanded to the trial court for proceedings consistent with this opinion. Each party is to bear its own costs incurred in conjunction with this appeal.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

## DIVISION SEVEN (Continued)

B123045 Flores (Not for Publication)  
v.  
Ose

The judgment is reversed, and the matter is remanded with direction to enter a judgment in favor of Ose. Ose to recover costs on appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

B122883      Drabinsky      (Not for Publication)  
v.  
Lewis

The judgment is affirmed. Costs on appeal are awarded to respondents.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

B107860      Fingold      (Not for Publication)  
v.  
Los Angeles County Employee Relations Board

The appeal is dismissed and Fingold shall have costs on appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

DIVISION SEVEN (Continued)

B120027      Interim Capital, Inc.                      (Not for Publication)  
                         v.  
                         CSX/Sea-Land Terminals, Inc.

The judgment is affirmed. Respondent is entitled to costs incurred in conjunction with this appeal.

Woods, J.

We concur:    Lillie, P.J.  
                         Neal, J.